

**HISTORIC BUILDING PRESERVATION LAW**  
**(Chapter 71, Article III, Historic Building Preservation)**

**§ 71-18. Designation; title.**

This Article shall be Article III of Chapter 71 of the Code of the Town of Bedford and may be cited as the “Historic Building Preservation Law of the Town of Bedford.”

**§ 71-19. Authority.**

In accordance with § 96-a of the General Municipal Law of the State of New York, entitled “Protection of Historical Places, Buildings and Works of Art,” and Article 5-K of the General Municipal Law of the State of New York, entitled “Historic Preservation,” the Town Board of the Town of Bedford has authority to provide by local law, certain regulations, special conditions and restrictions for the protection, enhancement, perpetuation and the use of buildings having special character or special historical or other aesthetic interest or value. Pursuant to such authority, the Town Board has adopted this Article setting forth standards to be followed in determining whether a demolition permit should be issued for a historic building.

**§ 71-20. Purpose; findings.**

A. Purpose.

The Town of Bedford determines that the historical, archeological, architectural and cultural heritage of the Town is among the most important assets of the Town and that it should be preserved. Historic preservation offers residents of the Town a sense of orientation and civic identity, is fundamental to localized concern for the quality of life, and produces numerous economic benefits to the Town. The existence of irreplaceable buildings of historical, archeological, architectural and cultural significance are threatened by the forces of change. It is hereby declared to be the public policy and in the public interest of this Town to engage in a comprehensive program of historic building preservation to accomplish the following purposes:

- (1) To promote the use, reuse and conservation of such buildings for the education, inspiration, welfare, recreation, prosperity and enrichment of the public;
- (2) To promote and encourage the protection, enhancement and perpetuation of such buildings which have or represent distinctive elements of the town’s historical, archeological, architectural or cultural significance;
- (3) To encourage and assist residents and local organizations of the Town to undertake preservation programs and activities;
- (4) To foster civic pride in the beauty and accomplishments of the past through cooperation with residents and local organizations;

- (5) To protect and enhance the Town's attractiveness to visitors and support and stimulate the Town's economy; and
- (6) To ensure the harmonious, orderly and efficient growth and development of the Town.

## B. Findings.

The Town of Bedford was founded on December 23, 1680 when a group of New England Puritans from Stamford, Connecticut purchased a three (3) square mile tract of land known as the Hopp Ground from Chief Katonah and several other Native Americans. Bedford was originally part of Connecticut until King William of England issued a royal decree in 1700 declaring that Bedford was part of New York. The Town served as the wartime Westchester County seat during the Revolutionary War after the Battle of White Plains until it was burned by the British on July 11, 1779. After the Revolution, Bedford became one of the two seats of County government, alternating with White Plains until 1870.

Bedford is rich with historic places and buildings such as Bedford Green, the Bedford Court House built in 1787, the John Jay Homestead, Caramoor, the 1920 Bedford Hills Community House, the 1927 Town House, as well as other historic buildings situated throughout the hamlets of Katonah, Bedford Hills and Bedford Village. To foster the preservation of historical buildings located within the Town of Bedford which are not already included as part of the Bedford Village Historic District or the Katonah Historic District, the following findings are hereby made:

- (1) A substantial number of residential, commercial and accessory buildings are of great historical significance to the Town by reason of: (a) historic events which have taken place within, on or near them, (b) their age or association with historic or famed personages or (c) that they are illustrative of events in periods of history of the Town and surrounding areas;
- (2) It is further found that a number of residential, commercial and accessory buildings are of historical significance to the Town for their architectural and aesthetic value due to their representation of a style or period of architectural design of buildings which is significant to the Town's identity and which forms an integral part of the Town's environment; and
- (3) In consideration of the Town's history and character, and in the interests of preservation of those areas within the Town which are of historical, archeological, architectural or cultural importance, the Town of Bedford enacts the within law.

## **§ 71-21. Applicability.**

The Historic Building Preservation Law shall apply in those areas comprising the Town of Bedford which are neither part of the hamlet of Bedford, commonly known as "Bedford

Village,” as shown on the map entitled “Bedford Village Historic District in the Town of Bedford,” nor part of the hamlet of Katonah as shown on the map entitled “Katonah Historic District.”

**§ 71-22. Definitions.**

**BUILDING** – Any structure having a roof, supported by columns or by walls or self-supporting, and intended for the shelter, housing or enclosure of persons, animals or chattel.

**BUILDING, ACCESSORY** – A building subordinate to the principal building on the lot and used for purposes customarily incidental to that of said principal building. For purposes of this Article, an accessory building must be at least two hundred (200) square feet for consideration as a historic building.

**BUILDING INSPECTOR** – The town employee appointed by the Town Board and charged with the responsibility of administering and enforcing the New York State Fire Prevention and Building Code and related regulations pertaining to the demolition of structures and the use of land within the Town of Bedford.

**DEMOLITION** – A building or structure destroyed by any means to an extent greater than fifty (50%) percent of its fair market value or which has been substantially impaired, altered or changed to such a degree that its historic character has been substantially obliterated.

**DEMOLITION PERMIT** – A permit issued by the Building Inspector pertaining to the demolition of buildings or structures and the use of land within the Town of Bedford.

**DWELLING** – A building, or portion thereof, used principally as non-transient living quarters for one or more families. The term shall not include an automobile court, hotel, motel, boardinghouse, trailer, mobile home, tourist home or tent.

**HISTORIC BUILDING** – A dwelling, commercial building, or accessory building which is at least two hundred (200) square feet, and which meets one (1) or more of the following criteria: (1) was built before the year 1900; or (2) is registered on the National Register of Historic Places, or (3) which was constructed after the year 1900 and is listed on the Survey of Historic Buildings (the “Survey”) prepared by the Town.

**HISTORIC BUILDING PRESERVATION COMMISSION or COMMISSION** – The Town of Bedford Historic Building Preservation Commission.

**NATIONAL REGISTER OF HISTORIC PLACES** – A listing of buildings, sites and objects designated for historical, architectural or other special significance, as determined by established criteria, and which listing is maintained by the National Park Service under the National Historic Preservation Act of 1966, as amended. The program is administered by the State Historic Preservation Office at the state level.

**PRESERVATION** – Retention of essential character of an improvement, object, building, natural feature or structure as embodied in its existing form, integrity and material. This term

may include temporary stabilization work, as well as ongoing maintenance of historic building materials.

**RESTORATION** – Recovery of the form and details of a building, structure or improvement and its site during a particular time.

**SURVEY** – A written inventory of all dwellings, commercial buildings, and accessory buildings located within the Town of Bedford which were constructed after the year 1900 and which have been designated by the Town as “historical buildings.” Such survey shall be known as the “Survey of Historic Buildings” and shall be maintained and updated by the Commission.

**§ 71-23. Establishment of historic building preservation commission.**

A. The Town Board shall appoint a commission to be known as “the Town of Bedford Historic Building Preservation Commission” to administer this Article.

B. The Commission shall consist of five (5) residents of the Town of Bedford who shall be appointed by the Town Board and who shall serve three-year terms. The first appointments shall be established as follows: one (1) one-year term, two (2) two-year terms and two (2) three-year terms. Vacancies shall be filled by the Supervisor with approval of the Town Board in the same manner provided for other appointments. The Town Board shall appoint a chairperson for a one-year term.

C. Membership shall be composed of the following individuals: One (1) member shall be the architect for the Bedford Village Historic District; one (1) member shall be the architect for the Katonah Historic District; one (1) member shall be the Town Historian or another individual familiar with the historic character of the Town of Bedford, and the remaining two (2) members shall be residents of the Town of Bedford, at least one of which shall be a resident of Bedford Hills.

D. The Commission shall adopt procedural rules for conducting its business in accordance with the provisions of this Article.

E. Members of the Commission shall serve without compensation.

**§ 71-24. Powers and duties of commission.**

A. The Commission shall be responsible for helping to maintain the historic character of the areas of the Town within its jurisdiction. Unless otherwise specified herein, the duties of the Commission shall be as follows:

(1) To adopt any other criteria not provided in this Article for the identification of significant historical, architectural, archeological or cultural buildings;

(2) To approve or disapprove applications for demolition permits, subject to review by the Town Board pursuant to this Article;

- (3) To inform owners of property within the Town of the provisions of this Article on a periodic basis;
- (4) To compile and maintain a photographic inventory of historic buildings within the Town;
- (5) To create, maintain and update the Survey prepared by the Town in connection with the adoption of this Article;
- (6) To formulate and publish recommendations concerning the preparation of maps, brochures and historical markers for selected historical sites and buildings; and
- (7) To cooperate with and advise the Town Board and other public and private agencies in matters involving historic sites and buildings.

B. Additionally, the Commission may undertake the following:

- (1) Increase public awareness of the value of historic, architectural, archeological and cultural preservation by developing and participating in public information programs in conjunction with other public and private organizations;
- (2) Cooperate with the Town Board and other town departments, boards, agencies or commissions by requesting and providing appropriate information, cooperation, assistance or studies; and
- (3) Recommend to the Town Board appropriate utilization of grants from federal, state, and county agencies, private groups and individuals and the utilization of budgetary appropriations to promote the preservation of historic buildings.

C. Within the limits of their funds, the Commission may obtain the services of qualified persons to direct, advise and assist the Commission and may obtain equipment, supplies and other material necessary to its effective operation.

D. The Commission shall meet at least monthly if any business is pending. Meetings may be held at any time on the written request of any Commission member.

E. A quorum for a transaction of business shall consist of a majority of the Commission members, but not less than the majority of the full authorized membership may grant or deny an application for a demolition permit.

**§ 71-25. Demolition permits.**

A. Prior to the issuance of any demolition permit and/or other required permits or approvals effecting a historic building within the Town of Bedford, an application for a demolition permit

shall be made to the Building Inspector by the owner of such historic building. This permit shall be in addition to, and not in lieu of any other required permit or approval. A completed application shall be made in writing, accompanied by plans and in sufficient detail for the Building Inspector to have full knowledge of the proposed demolition. Modified applications may be treated as new applications.

B. Once the Building Inspector has received an application for a demolition permit, he or she must initially determine whether or not the building which is the subject of the application falls within those areas comprising the Town of Bedford which are neither part of the Bedford Village Historic District nor the Katonah Historic District. If the subject building falls outside of such districts, the Building Inspector shall make a determination as to whether the building was (1) built before 1900, (2) is registered on the National Register of Historic Places, or (3) in the case of buildings built after the year 1900, whether the building is listed on the Survey. If the Building Inspector determines that any of these three (3) criteria is met, the Building Inspector shall refer the demolition permit application to the Historic Building Preservation Commission for a determination as to whether a demolition permit should be issued.

C. Upon referral from the Building Inspector, the Commission shall notify the applicant of his/her right to submit evidence and proof in support of the application. Once this information is received, the Commission shall fix a reasonable time to hold a public hearing on each application for a demolition permit. Notice of the public hearing shall be published at least ten (10) days prior to the hearing in an official newspaper of the Town and shall be mailed by the applicant at least ten (10) days prior to the hearing to all owners of lots within five hundred (500) feet of the perimeter of the subject lot. The expense of publishing and mailing any notice required by this Article shall be paid by the applicant, and the applicant must file with the Town Clerk an affidavit of mailing with a list of the names of the owners of record of the property within the five hundred (500) feet, together with the section and lot number of each, with such written notice prior to the public hearing. The Commission, applicant, and any interested parties may present testimony or documentary evidence at the hearing which will become part of the record regarding the historic, architectural, archeological or cultural importance of the subject building.

D. Professional consulting services; reimbursement.

(1) The Commission may seek technical advice from outside its members on any application. In such instance, the applicant and members of the Commission shall receive copies of any consultant's or agency's written opinion and such opinions shall become part of the record.

(2) The Commission, in the review of an application for a demolition permit as described in this Article, may refer any such application to such engineering, environmental or other technical consultant as such Commission shall deem reasonably necessary to enable it to review such application as required by law. The charges made by such consultants shall be in accord with charges usually made for such services in the metropolitan New York region or pursuant to an existing contractual agreement between

the Town and such consultant. The applicant shall reimburse the Town for the cost of such consultant services upon submission of a copy of the voucher therefor. Such reimbursement shall be made prior to Commission action on the demolition permit. Any reimbursement of fees for professional consultant services rendered may be extended for one period of 90 days upon written request made by the applicant demonstrating good cause as may be determined by the Commission. However, in no event shall any action or approval on any pending application be determined until any and all such reimbursements have been made in full by the applicant.

E. The determination of the Commission shall be in writing and shall be filed with the Town Clerk, Town Board, Building Inspector, Planning Board, Zoning Board of Appeals and the applicant within thirty (30) calendar days from the close of the public hearing.

(1) If the Commission determines that the demolition permit should be issued, its determination shall so state and set forth its reasons for such determination.

(2) If the Commission determines that the demolition permit shall be issued with conditions, its determination shall so state and set forth its reasons for such determination. Failure to comply with such conditions may result in penalties pursuant to § 71-28 of this subchapter and/or revocation of the demolition permit.

(3) If the Commission determines that the demolition permit should not be issued, it shall so state and set forth its reasons for such determination.

F. In arriving at its determination, the Commission shall consider, in addition to any other pertinent factors, the following criteria in assessing whether the historical, architectural, archeological or cultural significance of the subject building outweighs any special circumstances or potential hardships posed to the applicant:

(1) Whether the subject building is associated with events that have made a significant contribution to, and are identified with, or that outstandingly represent the broad national patterns of United States history, New York history or locally significant history from which an understanding and appreciation of those patterns may be gained; or

(2) That is associated importantly with the lives of persons nationally significant in the history of the United States; or

(3) That represents some great idea or ideal of the American people; or

(4) That embodies the distinguishing characteristics of an architectural type specimen exceptionally valuable for the study of a period, style, or method of construction, or that represents a significant, distinctive and exceptional entity whose components may lack individual distinction; or

(5) That is composed of integral parts of the environment not sufficiently significant by reason of historical association or artistic merit to warrant individual recognition but collectively compose an entity of exceptional historical or artistic significance, or outstandingly commemorate or illustrate a way of life or culture; or

(6) That has yielded or may be likely to yield information of major scientific importance by revealing new cultures, or by shedding light upon periods of occupation over large areas of the United States. Such sites are those which have yielded, or which may be reasonably expected to yield, data affecting theories, concepts and ideas to a major degree.

#### **§ 71-26. Appeals.**

##### **A. Town Board Review.**

Any determination, decision, or order of the Commission made pursuant to or within the scope of this Article may be reviewed by the Town Board at the request of any person aggrieved thereby provided that such review is commenced by the filing of a notice of appeal to the Town Board within thirty (30) days after the Commission files with the Town Clerk its determination. Such notice of appeal shall specify the grounds for seeking review.

In making its determination on the appeal, the Town Board shall review the written determination of the Commission in conjunction with the permit application and the criteria set forth in § 71-24(f), and consider the appropriateness of the demolition, as well as the health, safety, morals and general welfare of the Town, with particular attention given to the needs of the residents and industries within the historic area or any special circumstances or hardship that the applicant may choose to bring forward.

B. Based on its determination of appeal, the Town Board shall issue a written determination directing the Building Inspector to issue or deny a demolition permit to the applicant.

C. If no person appeals, the determination of the Commission becomes final and binding upon the applicant and Building Inspector.

#### **§71-27. Judicial review.**

Any determination, decision, or order of the Town Board under this Article may be judicially reviewed pursuant to Article 78 of the Civil Practice Law and Rules in the Supreme Court for Westchester County if commenced within thirty (30) days of the filing of the Town Board's determination. The Court may take evidence as it may direct and report the same with its

findings of fact and conclusions of law, if it shall appear that testimony is necessary for the proper disposition of the matter. The Court at special term shall itself dispose of the cause on the merits, determining all questions which may be presented for determination.

**§ 71-28. Enforcement; penalties for offenses.**

A. In case any building is demolished, either partially or wholly, as set forth pursuant to this Article, either by proceeding without a permit or contrary to approved plans and specifications for which a permit is issued, the Building Inspector shall issue a stop-work order and serve same upon the owner of record, a tenant in possession and any contractor or subcontractor working at the subject premises.

B. Failure to comply with any of the provisions of this Article shall be deemed a violation and the violator shall be liable to a fine of not more than two hundred and fifty dollars (\$250.00) or to imprisonment for not more than fifteen (15) days, or both. Each day that such violation continues shall constitute a separate violation.

C. In addition to the foregoing, the Town shall have such other remedies for any violation or threatened violation of this Article as now or hereafter may be provided by law, including but not limited to prosecution in the Town Court of the Town of Bedford and proceeding in the Supreme Court in an action for an injunction to restrain any violation of this Article and further in an action in Supreme Court for an injunction to order removal in whole or in part of any exterior architectural feature in existence in violation of this Article or for reconstruction or restoration as may be necessary to restore the building to its appearance prior to the violation.

**§71-29. Conflict with other provisions.**

Where this Article imposes greater restrictions than are imposed by the provisions of any law, ordinance, or regulation, the provisions of this Article shall apply. Where greater restrictions are imposed by any other law, ordinance or regulation, such greater restrictions shall apply.

**§ 71-30. Severability.**

If any section, clause or provision of this Article or the application thereof to any person is adjudged invalid, the adjudication shall not affect other sections, clauses or provisions or the application thereof which can be sustained or given effect without the invalid section, clause or provision or application, and, to this end, the various sections, clauses or provisions of this Article are declared to be severable.

**§ 71-31. When effective.**

This Article shall take effect immediately upon filing in the Office of the Secretary of State of the State of New York in the manner prescribed by law.

**§ 71-32. Repeal of existing law.**

Local Law No. 3-2002 is hereby repealed effective immediately.